IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 8614 of 2002

DATED: 28.12.2006

Between:

U.Uppalaiah petitioner

And

The Divisional Manager,
APSRTC,
Sanathnagar division, Hyderabad and another Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 8614 OF 2002

ORAL ORDER:

The present writ petition is filed questioning the action of the respondents in not granting attendant benefits and backwages to the petitioner as illegal and arbitrary.

The petitioner herein was appointed as Conductor in respondent corporation on 21.11.1995. While so, on 7-11-2000 a check was conducted by the checking official wherein certain cash and ticket irregularities were found. The petitioner was issued with a charge memo on 7-11-2000 to which he has submitted his explanation. Having not satisfied with the explanation offered by the petitioner, he was suspended by orders dated 16.11.2000 and a charge sheet dated 20.11.2000 was issued to him. The enquiry officer after conducting an enquiry submitted a report holding the petitioner guilty of the charges alleged. Thereafter, petitioner was issued with a show cause notice of removal dated 4.1.2001. The petitioner has submitted his explanation to the show cause notice. Ultimately by proceedings dated 16.1.2001 petitioner was removed from the service. Aggrieved by the said order of dismissal, petitioner submitted an appeal dated 25.1.2001. The Appellate Authority on consideration of the matter, modified the punishment and appointed the petitioner afresh. Questioning the said order insofar as not granting attendant benefits and backwages, the present writ petition is filed.

Heard learned counsel for petitioner, learned Standing Counsel for respondent corporation.

Until and unless the writ petition shows any dis-proportionality in imposing the penalty or it shocks the conscious of the Court, this Court cannot exercise its discretion or interfere with the quantum of penalty. In **Karnataka Bank Ltd. V. A.L. Mohan Rao**[2], the apex Court held that it is not for the courts to interfere in cases of gross misconduct of the nature with the decision of the disciplinary authority so long as the inquiry has been fair and proper and misconduct proved, and that in such matters, it is for the disciplinary authority to decide what is the fit punishment.

It is a case of non-issuance of ticket to two passengers. The charge leveled against the petitioner stood proved. Basing on the findings of the enquiry officer, the preliminary authority imposed the punishment of removal from service by order dated 16.1.2001. The Appellate Authority held that the there were only 17 passengers in the bus including the two ticket-less passengers and the punishment awarded by the Depot Manager is fit and proper, however keeping in view the satisfactory record of the petitioner and on humanitarian grounds a lenient view was taken and the punishment of removal from service was modified and petitioner was appointed as afresh conductor. Thus, it is clear that the appellate authority concurred with the findings of the disciplinary authority, however thought it fit to take a lenient view in the matter. The order of the appellate authority is reasonable for the proved misconduct and the same needs no interference by this Court.

The writ petition fails and is liable to be dismissed. Accordingly, the writ petition is dismissed. No costs.

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N.V.RAMANA,J

Dated: 28.12.2006

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2 (2006) 1 SCC 63